



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

May 14, 1998

### **H.R. 2863** **Migratory Bird Treaty Reform Act of 1998**

*As ordered reported by the House Committee on Resources on April 29, 1998*

CBO estimates that enacting H.R. 2863 would have no significant effect on the federal budget. Because the bill may reduce receipts from criminal fines, pay-as-you-go procedures would apply. Any loss of receipts would not be significant, however, and would be largely offset by decreased direct spending from the Crime Victims Fund (into which these fines are deposited). H.R. 2863 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

H.R. 2863 would codify a standard for determining when someone is guilty of hunting migratory birds over an area baited with bird feed. At present, there is no statutory rule for deciding the issue; thus, the standard is determined by the courts and differs from jurisdiction to jurisdiction. In most areas of the country, courts usually apply strict liability—anyone found hunting over a baited field is guilty of violating federal law whether the person knew that the area was baited or not. In contrast, H.R. 2863 would establish a national standard, presently applied in only a few states, that would make it unlawful for a person to hunt over a field only if that person knows or reasonably should know that the area is baited.

It is possible that applying the new standard nationally could make it somewhat more difficult for some prosecutors to prove that the law has been violated, resulting in fewer convictions in some states. CBO estimates, however, that the aggregate decrease in federal revenues from fines would be insignificant because the overall conviction rate would be unlikely to fall by much—these rates are already extremely high in all states, regardless of which standard is applied. In any case, losses of revenues would result in similar decreases in direct spending from the Crime Victims Fund.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.